(3)

P.R. No. 4963/05
Presented by Shri Aman Keshariwani
dated 22/9/05

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4922 OF 2005

BETWEEN

Hemant Kumar Gabhne S/o Late Shri Asha Ram Gabhne, aged about 36 years, resident of Danganiya, P.S. Azad Chowk, Tahsil and District Raipur (CG).

PETITIONER

AND

Smt. Puniya Bai Wd/o Nandu Lal Yadav, aged about 80 years, resident of Gol Bazar Ward No.46, Nayapara, Police Station Gol Bazar, Tahsil and District Raipur (CG).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(29)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WPRN.4922/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7-10-2005 Heard Shri Awadh Tripathi, counsel for the petitioner. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 27-7-2005 passed by the Rent Controlling Authority, Raipur whereby the learned Rent Controlling Authority has rejected the application filed by the petitioner herein for framing of the additional issues. Brief facts leading to filing of this writ petition are that respondent herein filed a suit for arrears of rent and ejectment against the petitioner herein in which the petitioner herein has already filed his written statement and based on that issue has already been settled. The petitioner herein wanted to move an application for framing of additional issues that the property being ancestral the other members of the joint Hindu Family property have not been made party and respondent is not a 'Karta' of the joint Hindu Family Property and that the respondent wants to sell the property in question. Having heard learned counsel for the petitioner, I have perused the impugned order. In my opinion, the trial Court has not committed any illegality or infirmity in passing the impugned order, as the suit filed by respondent is based on the Landlord and tenant relationship, therefore, even if some of the members of the joint Hindu Family are there, they are not the necessary party. As far as the defence raised by the defendant/petitioner herein in the written statement that the plaintiff/respondent herein wants to sell the house, in this connection, separate issue is not required and the petitioner	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	herein will be at liberty to adduce his evidence and cross-examine the plaintiff's witnesses in issue No.3. Therefore, this petition is without any merit, same is liable to be dismissed and it is accordingly dismissed. Consequently, M.(W.)P. No.3969/2005 and I.A. No.8698/2005 stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	